

AMENDED IN SENATE JULY 23, 2009

AMENDED IN ASSEMBLY JUNE 1, 2009

AMENDED IN ASSEMBLY APRIL 14, 2009

AMENDED IN ASSEMBLY MARCH 24, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 346

**Introduced by Assembly Member Torlakson
(Coauthor: Assembly Member Solorio)**

February 19, 2009

An act to amend Sections 17077.40, ~~17077.42, and 17077.45~~ and ~~17077.42~~ of the Education Code, relating to joint-use school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 346, as amended, Torlakson. Joint-use school facilities.

(1) Existing law authorizes the State Allocation Board to provide a grant to fund joint-use projects to construct facilities on kindergarten and grades 1 to 12, inclusive, schoolsites if the school district demonstrates that the project meets specified criteria. Eligibility for a joint-use grant is conditioned upon, among other things, demonstration by a school district that (a) it has entered into a joint-use agreement with a specified joint-use partner that specifies the amount of the contribution to be made by the school district and the joint-use partner toward the 50% local share of eligible project costs, and (b) the joint-use partner has agreed to contribute at least 25% of eligible project costs, except as provided.

This bill would authorize the board to provide a grant to fund a joint-use project on property that is adjacent to a schoolsite and owned

by a governmental entity, as defined. The joint-use agreement would be required to provide that the land would be leased to the school district for a period that reflects the useful life of the facility to be constructed.

The bill would expand the types of projects that would be eligible to be built using grant funds. Those projects would include a child health and wellness clinic, career technical building or shop, science and technology laboratory, science center with exhibits or educational programs that meet current state content standards, historical or cultural education center with exhibits or educational programs that meet current state content standards, performing arts center, *and* physical education and outdoor recreation site development, ~~and parking facility.~~

(2) Existing law requires the joint-use agreement to specify the amount of the contribution to be made by the school district and the joint-use partner toward the 50% local share of eligible project costs.

The bill would authorize a school district to include, as part of the local contribution, the value of land or real property upon which the joint-use project is to be built if the school district owns the land or real property and did not pay for it or acquire it with state funds or the school district does not own the land or real property, but it will be given to the district. A portion of the contribution of a joint-use partner, up to 10% of eligible project costs, would be authorized to include equipment with an average useful life expectancy of at least 10 years.

This bill also would require a joint-use agreement to ensure that the school district maintains priority for use of the facilities constructed and provide that the facility will be a public facility with access to the facility guaranteed for public use.

~~(3) Existing law requires the State Allocation Board to establish standards for determining the amount of the supplemental grant funding to be made available for each joint-use project. A supplemental grant for certain joint-use projects may be provided without regard to the existence of per-pupil eligibility and may be expressed on a per-square-foot cost basis, on a per-pupil cost basis, or on a per-project cost basis.~~

~~This bill would limit the amount of these supplemental grants to \$1,250,000 per project per elementary schoolsite, \$1,875,000 per middle schoolsite, and \$2,500,000 per high schoolsite.~~

~~(4)~~

(3) This bill would become operative only if the voters approve a statewide general obligation bond act for the purpose of providing aid

to school districts to construct and modernize educational facilities at a statewide election on or after January 1, 2010.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17077.40 of the Education Code is
2 amended to read:

3 17077.40. (a) With funds made available for the purposes of
4 this article, the board may provide a grant to fund joint-use projects
5 to construct facilities on schoolsites that offer instruction in
6 kindergarten and grades 1 to 12, inclusive, or on property that is
7 adjacent to the schoolsite and owned by a governmental agency,
8 as defined in paragraphs (2) and (3) of subdivision (f) of Section
9 4420 of the Government Code. A joint-use agreement to construct
10 facilities on land owned by a governmental agency shall provide
11 that the land will be leased to the school district for a time period
12 that reflects the useful life of the facility constructed.

13 (b) A school district may apply to the board for funding under
14 this article for a project that meets any of the following criteria:

15 (1) The joint-use project is part of an application for new
16 construction funding under this chapter and will increase the size
17 or extra cost associated with the joint use of the proposed
18 multipurpose room, gymnasium, library, child care facility, child
19 health and wellness clinic, career technical building or shop,
20 science and technology laboratory, science center with exhibits or
21 educational programs that meet current state content standards,
22 historical or cultural education center with exhibits or educational
23 programs that meet current state content standards, performing
24 arts center, physical education and outdoor recreation site
25 development, ~~parking facility~~, or teacher education facility beyond
26 that necessary for school use.

27 (2) The joint-use project proposes either to reconfigure existing
28 school buildings or construct new school buildings, or both, to
29 provide for a multipurpose room, a gymnasium, a library, a child
30 care facility, child health and wellness clinic, career technical
31 building or shop, science and technology laboratory, science center
32 with exhibits or educational programs that meet current state
33 content standards, historical or cultural education center with

1 exhibits or educational programs that meet current state content
2 standards, performing arts center, physical education and outdoor
3 recreation site development, ~~parking facility~~, or a teacher education
4 facility, and the project will be located at or adjacent to a school
5 that does not have the type of facility for which funds are requested
6 or the existing facility is inadequate.

7 (3) The joint-use project proposes either to reconfigure existing
8 school buildings or construct new school buildings, or both, to
9 provide for facilities to improve pupil academic achievement, and
10 the plans for the facility were accepted for review and approval
11 by the department prior to January 1, 2004.

12 SEC. 2. Section 17077.42 of the Education Code is amended
13 to read:

14 17077.42. In order to be approved for a grant under this article,
15 the applicant school district shall demonstrate that it has complied
16 with all of the following:

17 (a) The school district has entered into a joint-use agreement
18 with one of the following or a combination of any of the following:

19 (1) A governmental agency.

20 (2) A public community college, a public college, or a public
21 university.

22 (3) A nonprofit organization approved by the board.

23 (b) The joint-use agreement specifies the method of sharing
24 capital and operating costs, specifies relative responsibilities for
25 the operation and staffing of the facility, and specifies the manner
26 in which the safety of the pupils will be ensured.

27 (c) (1) The joint-use agreement specifies the amount of the
28 contribution to be made by the school district and the joint-use
29 partner toward the 50-percent local share of eligible project costs.

30 (2) A school district may include, as part of the local
31 contribution for the joint-use project, the value of land or real
32 property upon which the joint-use project is to be built if either of
33 the following conditions exists:

34 (A) The school district owns the land or real property and did
35 not pay for or acquire the land or real property with state funds.

36 (B) The school district does not own the land or real property,
37 but will be given the land free of charge.

38 (3) The contribution made by a joint-use partner shall be no less
39 than 25 percent of eligible project costs, unless the school district
40 has passed a local bond which specifies that proceeds of sale of

1 the bonds are to be used for joint-use projects, in which case the
2 school district may opt to provide up to the full 50-percent local
3 share of eligible costs.

4 (4) A portion of the contribution of a joint-use partner, up to
5 but not exceeding 10 percent of eligible project costs, may include
6 equipment with an average useful life expectancy of at least 10
7 years if this contribution is included as part of a career technical
8 education joint-use project application.

9 (d) The school district demonstrates that the facility will be used
10 to the maximum extent possible for both school and community
11 purposes, or both school and higher education purposes, as
12 applicable.

13 (e) The joint-use agreement ensures that the school district
14 maintains priority for use of the facilities constructed.

15 (f) The joint-use agreement provides that the facility will be a
16 public facility with access to the facility guaranteed for public use.

17 (g) (1) The project application qualifies for funding under
18 paragraph (1) of subdivision (b) of Section 17077.40 and the school
19 district has received all approvals necessary for apportionment
20 under this chapter.

21 (2) The project qualifies for funding under paragraph (2) or (3)
22 of subdivision (b) of Section 17077.40 and the school district has
23 completed preliminary plans for the project and has received State
24 Department of Education approval of the plans.

25 ~~SEC. 3. Section 17077.45 of the Education Code is amended~~
26 ~~to read:~~

27 ~~17077.45. (a) (1) The board shall establish standards for~~
28 ~~determining the amount of the supplemental grant funding to be~~
29 ~~made available for each project under this article.~~

30 ~~(2) For a project application qualifying for funding under~~
31 ~~paragraph (1) of subdivision (b) of Section 17077.40, the~~
32 ~~supplemental grant shall be in the form of an adjustment to the~~
33 ~~per-pupil eligibility of the project. This per-pupil eligibility~~
34 ~~adjustment shall be calculated to cover costs associated with the~~
35 ~~project that are uniquely related to the joint-use nature of the~~
36 ~~project, including, but not limited to, any increased costs associated~~
37 ~~with planning the joint-use aspect of the project.~~

38 ~~(3) For a project application qualifying under paragraph (2) or~~
39 ~~(3) of subdivision (b) of Section 17077.40, the supplemental grant~~
40 ~~may be provided without regard to the existence of per-pupil~~

1 eligibility pursuant to this chapter, and may be expressed on a
2 per-square-foot cost basis, on a per-pupil cost basis, or on a
3 per-project cost basis.

4 (4) A grant awarded pursuant to paragraph (3) shall not exceed
5 one million two hundred fifty thousand dollars (\$1,250,000) per
6 project per elementary schoolsite, one million eight hundred
7 seventy-five thousand dollars (\$1,875,000) per project per middle
8 schoolsite, or two million five hundred thousand dollars
9 (\$2,500,000) per project per high schoolsite.

10 (b) Notwithstanding any other provision of this chapter, project
11 costs may exceed the standards established by the board pursuant
12 to subdivision (a) only if the excess is paid completely by local or
13 joint-use partner sources.

14 (c) On July 1 of each year, the board shall apportion to
15 qualifying applicant school districts those funds that it determines
16 are available for the purpose of this article. The board shall not
17 release funds to a qualifying applicant until the project plans have
18 received all approvals required pursuant to this chapter, including,
19 but not limited to, the approval of the Division of the State
20 Architect. If the project does not receive all necessary plan
21 approvals within one year of the date of the apportionment, the
22 board shall rescind the apportionment.

23 (d) If the total funding for the purposes of this article is not
24 sufficient to fund all of the joint-use projects for funding under
25 this article, the board shall first fund projects eligible under
26 paragraphs (1), (2), and (3) of subdivision (b) of Section 17077.40
27 in that order. The board may establish other priority standards
28 within that order, as necessary.

29 (e) Except as expressly provided in this article, projects funded
30 pursuant to this article shall comply with all other requirements
31 of this chapter, except for Article 11 (commencing with Section
32 17078.10), which shall apply only to projects under this article if
33 they also qualify for funding under Article 11 (commencing with
34 Section 17078.10).

35 SEC. 4.

36 SEC. 3. This act shall become operative only if the voters
37 approve a statewide general obligation bond act for the purpose
38 of providing aid to school districts to construct and modernize

1 educational facilities at a statewide election on or after January 1,
2 2010.

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